

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUBEN HERRERA,

Plaintiff,

v.

BRANDON PRICE, et al.,

Defendants.

Case No. 1:21-cv-01070-KES-HBK (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. 9)

Plaintiff Ruben Herrera initiated this action as a prisoner proceeding pro se *and in forma pauperis* by filing a civil rights complaint under 42 U.S.C. §1983. Docs. 1, 5. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The assigned magistrate judge screened Plaintiff's initial complaint and found that it failed to state a cognizable claim. Doc. 6. Plaintiff timely filed a first amended complaint, however it failed to cure the deficiencies in the initial complaint despite guidance from the Court. *See* Doc. 7. The magistrate judge then issued findings and recommendations recommending the action be dismissed without further leave to amend. Doc. 9. Plaintiff has not filed any objections and the time to do so has passed. *See* docket.

In accordance with of 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of this case. Having carefully reviewed the file, the Court finds the findings and recommendations


1 to be supported by the record and proper analysis.

2 ACCORDINGLY, it is ORDERED:

- 3 1. The findings and recommendations issued on October 31, 2023, Doc. 9, are  
4 ADOPTED in full.  
5 2. Plaintiff's first amended complaint, Doc. 7, is dismissed with prejudice.  
6 3. The Clerk of Court is directed to close this case.

7  
8  
9 IT IS SO ORDERED.

10 Dated: May 19, 2024

  
UNITED STATES DISTRICT JUDGE